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8
9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 MARK GALLOWAY,

15 Defendant.

Case No. 2:20-MJ-01041-EJY

**STIPULATION TO CONTINUE
BENCH TRIAL**
(First Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Nicholas A.
18 Trutanich, United States Attorney, and Rachel Kent, Special Assistant United States Attorney,
19 counsel for the United States of America, and Rene L. Valladares, Federal Public Defender,
20 and Andrew Wong, Assistant Federal Public Defender, counsel for Mark Galloway, that the
21 bench trial currently scheduled on February 17, 2021 at 9:00 am, be vacated and continued to
22 a date and time convenient to the Court, but no sooner than sixty (60) days.

23 This Stipulation is entered into for the following reasons:

24 1. Defense counsel needs additional time to review discovery, research potential
25 pretrial motions, and discuss with Mr. Galloway whether this case will be resolved through
26 negotiations or proceed to trial.

2. Mr. Galloway is not incarcerated and agrees to this continuance.

3. Additionally, denial of this request for continuance could result in a miscarriage of justice. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title 18, United States Code § 3161(h)(7)(B)(iv).

This is the first request for a continuance of the bench trial.

DATED this 9th day of February, 2021.

RENE L. VALLADARES
Federal Public Defender

NICHOLAS A. TRUTANICH
United States Attorney

/s/ Andrew Wong
By _____
ANDREW WONG
Assistant Federal Public Defender

/s/ Rachel Kent
By _____
RACHEL KENT
Special Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

4 Plaintiff,

5 v.

6 MARK GALLOWAY,

7 Defendant.
8

Case No. 2:20-MJ-01041-EJY

FINDINGS OF FACT, CONCLUSIONS
OF LAW AND ORDER

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10 **FINDINGS OF FACT**

11 Based on the pending Stipulation of counsel, and good cause appearing therefore, the
12 Court finds that:

13 1. The defendant is scheduled to be transported to a Bureau of Prisons facility for
14 purposes of an evaluation.

15 2. Counsel for the defendant needs the additional time for said evaluation to be
16 completed.

17 3. Additionally, denial of this request for continuance could result in a
18 miscarriage of justice. The additional time requested by this Stipulation is excludable in
19 computing the time within which the trial herein must commence pursuant to the Speedy Trial
20 Act, Title 18, United States Code, Section 3161(h)(7)(A), considering the factors under Title
21 18, United States Code §§ 3161(h)(7)(B) and 3161(h)(7)(B)(iv).

22 This is the first request for a continuance of the bench trial.
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The ends of justice served by granting said continuance outweigh the best interest of the public and the defendant in a speedy trial, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the opportunity within which to be able to effectively and thoroughly prepare for trial, taking into account the exercise of due diligence.

ORDER

DATED this 10th day of February, 2021.

021. Clayton J. Zouchak
UNITED STATES MAGISTRATE JUDGE